

The Honorable Judge Robert J. Bryan

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARK RANDALL,

Defendant.

NO. CR09-5466RJB

ORDER TO CONTINUE  
TRIAL DATE PURSUANT  
TO 18 U.S.C. § 3161(H)(3)(A)

Before the Court is a Motion to Continue the Trial Date pursuant to Title 18  
United States Code § 3161(h)(3)(A);

The Court finds, after a consideration of all relevant information, records, and the  
circumstances of this case, that the ends of justice would best be served by the granting of  
this motion to continue the trial date for one week, and that the continuance of the trial for  
one week in order to obtain the availability of an essential witness outweighs the best  
interest of the public and the defendant in an earlier trial date.

The Court finds that an essential government witnesses, Travis Reeves, is  
physically unavailable to testify during the week of March 22, 2010, after sustaining an  
injury on March 21, 2010, which will require emergency surgery on March 22, 2010, and  
recovery for several days thereafter. Travis Reeves' whereabouts are known, but his  
presence at trial on March 22, 2010, cannot be obtained by due diligence. The ends of  
justice served by continuing the trial date one week outweigh the best interests of the  
public and the Defendant in having the matter brought to trial sooner.

1 The Court finds that the governments motion to continue the trial date should be  
 2 GRANTED. The order setting the trial date for March 22, 2010, is VACATED. Trial  
 3 shall be rescheduled to April 12, 2010.

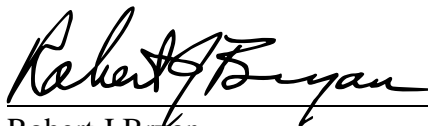
4 Any and all periods of delay resulting from the granting of this motion to continue,  
 5 from the date of the filing of the government's motion on March 21, 2010, until the date  
 6 of the rescheduled trial on April 12, 2010, shall be excludable time pursuant to Title 18,  
 7 United States Code, Sections 3161(h)(3)(A), and the Court makes the following findings:

8 a. That the failure to grant such a continuance in this case would be likely to  
 9 result in a miscarriage of justice and the ends of justice are best served by continuing the  
 10 trial one week, and the ends of justice served by taking this action outweigh the best  
 11 interest of the public and defendant in an earlier trial date, pursuant to Title 18 United  
 12 States Code §§ 3161(h)(3) and (7)(A) and (B);

13 b. That the failure to grant such a continuance would deny counsel for the  
 14 government the ability to present the testimony of an essential witness, Travis Reeves,  
 15 because he is unavailable pursuant to 18 United States Code §§ 3161(h)(3)(A) and his  
 16 presence in court cannot be obtained by due diligence because the essential witness will  
 17 undergo emergency surgery on the current trial date, March 22, 2010;

18 IT IS SO ORDERED.

19 DATED this 22<sup>nd</sup> day of March, 2010.

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22 Robert J Bryan  
 23 United States District Judge

24 s/ Johanna Vanderlee  
 25 JOHANNA VANDERLEE  
 26 Special Assistant United States Attorney  
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